

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John G. Kurth et al.

Application No.: 10/646,638

Confirmation No.: 9791

Filed: August 22, 2003

Art Unit: 2614

For: SYSTEM AND METHOD FOR CALL
REDIRECT DETECTION AND TREATMENT

Examiner: B. Q. Tieu

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed November 3, 2006, Applicant hereby provisionally elects the claims of Group II (claims 36-89, 100, and 101) for continued examination, with traverse.

The Examiner has required restriction between claims 1-35, 98, and 99 (identified as Group I), claims 36-89, 100, and 101 (identified as Group II), and claims 90-97 and 102 (identified as Group III). In requiring restriction between the groups of claims, the Examiner asserts that the inventions are related as subcombinations disclosed as usable together in a single combination. The Examiner further asserts that the inventions of these groups are distinct because the subcombinations set forth in the claims of Groups I, II, and III do not overlap in scope and because the Examiner has proffered separate utility with respect to the inventions of these groups. Applicant respectfully asserts that the basis for distinctness between the inventions of Groups I, II, and III is flawed and thus the restriction requirement of record is improper.

The inventions set forth in claims of Groups I and II overlap in scope, contrary to the Examiner's assertion. For example, claim 1 of Group I recites querying information

regarding a status of a calling service associated with a destination point. Claim 36 of Group II provides for querying information regarding a status of a call redirecting service (one example of a calling service) associated with a called number (one example of a destination point). Claim 1 further recites processing the call attempt as a function of the information regarding the status of the calling service. Claim 36 provides for determining a treatment (one example of processing a call attempt) for a particular call attempt from the information regarding a status of the call redirecting service. Clearly these two claims, although being of different scope, do substantially overlap in scope. As such, the Examiner's stated criteria for distinctness between the inventions of the claims of Group I and the claims of Group II has not been met. Therefore, Applicant respectfully asserts that a proper requirement for restriction between the claims of Groups I and II has not been made of record.

Moreover, the inventions set forth in claims of Groups II and III overlap in scope, contrary to the Examiner's assertion. For example, claim 36 of Group II provides for querying information regarding a status of a call redirecting service. Claim 90 of Group III recites obtaining information with respect to a called number from a network element, wherein the information is indicative of a configuration associated with the called number (a status of a call redirecting service being one example of a configuration associated with the called number). Claim 36 provides for determining a treatment for a particular call attempt from the information regarding a status of the call redirecting service. Claim 90 recites preventing connection (one example of a treatment for a call attempt) of a call to the called number as a function of the obtained information. Clearly these two claims, although being of different scope, do substantially overlap in scope. As such, the Examiner's stated criteria for distinctness between the inventions of the claims of Group II and the claims of Group III has not been met. Therefore, Applicant respectfully asserts that a proper requirement for restriction between the claims of Groups II and III has not been made of record.

As no proper basis for requiring restriction between the claims of Groups I and II or between the claims of Groups II and III has been made of record, Applicant respectfully asserts that the claims of Groups I and III should be examined with the claims of provisionally elected Group II. Accordingly, Applicant requests that all of the pending claims be substantively examined.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 63134/P003CP1/10308174 from which the undersigned is authorized to draw.

Dated: December 1, 2006

Respectfully submitted,

By Ross Viguet

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